**UDEQ (*Performance Track*)**
**Flipchart Notes  - 12/11/02 Review of Draft Policy**

·       Suggestion to post application / annual reports on PT website
*Group:* OK, recognizing that there may not always be a webmaster to maintain website

·       Suggested definition of "one full cycle"
*Group:* OK

·       Reaffirm that you have to be actively working on a project to remain in Tier 2/3
*Group:* need to clarify what's expected regarding the projects.  First paragraph of "Environmental Improvement Projects" section to read:
    Participation in Tiers Two and Three requires that the applicant work on TWO approved projects designed to SIGNIFICANTLY reduce or prevent pollution.  A project is defined as something that is not required by statute or by rule and that falls within the guidelines below.  To be eligible, the applicant must propose a project that benefits at least one of the Core areas, AND AT LEAST ONE OF THE SUGGESTED AREAS. [Last two sentences stay the same.]
*Group:* ongoing environmental improvement projects count for entry and continued participation, as long as they continue to meet the program goals

·       Annual report specifics
*Group*: Keep it simple; do not prescribe format.  Policy should specify that annual report should include:
·       what company / facility promised to do
·       what it has accomplished / progress made
·       major indicators of environmental improvement
·       environmental improvement plans for the next year

·       Mentoring
*Group:* Clarify that applicant / participant is the mentor

·       Pattern of Non-Compliance
*Group:* Keep it in, with following changes:
    In addition, the facility or entity will not have a CONTINUING pattern of noncompliance that would reflect past practices that are inconsistent with the aims of this program.  To make this determination, the following MAY be considered:
    [ leave in bullet one]

[ leave in bullet two]
TAKE OUT bullet three [Previous violations and the resource costs to
the State to address these issues.]

- One violation in one year / three violations in three years
*Group:* Leave as is; evaluate entire program at some point to see who is
applying for entry and who is not, and determine whether any changes to
eligibility criteria are warranted

- DEQ confirmed that High Priority Violations, Significant Noncompliance,
and Severity Levels I/II/III are comparable
*Group:* Leave as is

- Proposed language for dealing with open or unresolved violations
*Group:* OK

- Application process - conditional acceptance
*Group:* Take out last sentence in second paragraph [If acceptance is
conditional for any program, those conditions must be spelled out and
the conditions resolved within one year.]

- Application process - other suggested changes
*Group:* OK, except that first sentence of third paragraph should read: EPA
and the Local Health Department will be consulted to determine
compliance status and to comment on proposed projects.

- EMS - compliance audit specifically required
*Group:* Leave original language.  Do not include red language [The EMS
must include a Compliance Audit provision and include].  In section
"Checking and Corrective Action", "Monitoring and Measurement", add
language at end – Conduct periodic assessments of compliance with
legal requirements (SELF-AUDIT).

- DEQ requests for copies of EMS
*Group:* On p. 5 in "EMS" section, first paragraph, last line, and on p. 10 in
"Verification" section, third line – change "... reserves the right to request
a copy of the EMS ..." to "reserves the right to request APPROPRIATE
DOCUMENTATION OF THE EMS ..."

- Incentives - proposed addition "and/or low inspection priority"
*Group:* OK

- Incentives for less-than-all facilities in a multi-site company
*Group:* Change last paragraph of "Incentives" section to read: "In the

case of a multi-site company, the incentives (INCLUDING LOGOS OR OTHER DESIGNATIONS) may only be used for those facilities that have formally been admitted into (*Performance Track*). [Remove last sentence - The company may not use (*Performance Track*) logos or other designations for company-wide publicity.

· Multi-interest review panel - clarify decision-making process
  *Group:* Add sentence at end of section that clarifies who in DEQ makes the ultimate decision about acceptance into the PT program

· Multi-interest review panel - decision making process proposed language on p. 10.
  *Group:* OK

· Multi-interest review panel - composition
  *Group:* add EPA as panel member
  · clarify that EPA and DEQ are ex-officio, non-voting / non-recommending panel members
  · add sentence that authorizes panel to solicit outside input (eg, industry-specific or project-specific) on individual applications
  · add provision for 30-day public comment period on applications, to happen before application goes to review panel; public notice of receipt of application will be by posting on PT website
  · policy to specify that in selecting and appointing the review panel, DEQ will ensure that the following expertise is represented on the panel:
    · experience with implementing EMSs
    · broad media focus for interest that person represents
    · understanding of environmental improvement projects

· Public participation - review panel involvement
  *Group:* Remove first sentence in last paragraph of "Multi-Interest Review Panel" section - [The panel will also recommend an appropriate level of public participation, based on the size of the business and the likely interest in the project."

· Public participation
  *Group:* leave language as is

· Public comment period on this policy
  *Suggestion:* Solicit feedback on specific questions (as EPA sometimes does), e.g., on whether public notification on website is adequate